

REMARKS

Considering first the restriction requirement, Applicants confirm their election of the Group III claims, and request that the non-elected claims be maintained in this application, without further action, for possible rejoinder and/or for filing of a divisional application.

The specification has been amended to correct minor clerical errors and to employ more idiomatic English. No new matter has been entered.

Turning to the 112 rejection, claims 26, 27, 30, 31 and 33 have been amended in an earnest effort to address the 112 rejections. More particularly, claim 26 has been amended to positively specify that the dispensing device is for dispensing paper from a magazine supply, and that the device includes a motor driven feed roller.

Independent claim 26 also has been amended to incorporate the features of claim 37, which has been cancelled. With this amendment, the rejection of claims 26, 27 and 30-33 as anticipated by Watanabe, the rejection of claims 26-29, 32 and 34 as anticipated by Chen and the rejection of claim 38 as obvious from Lazar in view of Disanto all are rendered moot.

This leaves only the rejection of claim 37 as obvious from Chen. Chen is quite different. The Examiner cites Chen, Column 4, lines 20-26 as teaching that the dispenser is refillable without disposing of partially used stacks. That's not what Chen teaches. Chen simply teaches refilling the container 1 "for reuse without disposing the container for preventing the production of waste material" (Column 4, lines 25-26). In Chen, container 1 is the entire dispenser including the tissue compartment, the water compartment, the heating compartment, the motor compartment, the cutting means, etc. There is nothing in Chen that suggests a paper magazine that is refillable from below and new paper joined to paper existing in the magazine as required by Applicant's claims, or the advantages thereof. Thus, Applicants

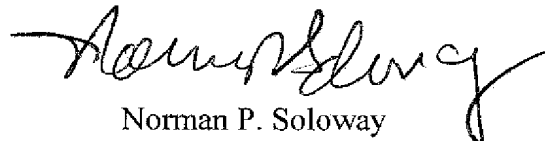
claimed invention is fundamentally different from Chen, and cannot be said to be obvious from Chen. (Underlining for emphasis.)

All of the pending claims now depend directly or indirectly on claim 26, as amended, and are allowable over the art for the same reasons above adduced relative to claim 26, as well as for their own additional limitations.

Having dealt with all the objections raised by the Examiner, the application is believed to be in order for allowance.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any over payment) to our Deposit Account Number 08-1391.

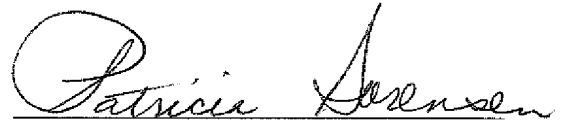
Respectfully submitted,



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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being deposited with the United States Patent Office via the electronic filing procedure on July 7, 2009 at Tucson, Arizona.



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